THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.22829 OF 2006

Dated 13-12-2006

Between:

K.Chakradhara Rao … Petitioner

And

The High Court of Andhra Pradesh
Rep. by its Registrar (General) and
Others … Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.22829 OF 2006

O R D E R ***(Per the Hon'ble Sri Justice Bilal Nazki):***

The writ petition has been filed challenging the order of the High Court passed on 29-11-2005 rejecting the application of the petitioner for fixing of pay either under F.R.22(a) or under F.R.22(b).

The petitioner was in the services of the High Court and was promoted on 19-11-1989 but on temporary basis to category-4 of Division-IV of Andhra Pradesh Judicial Ministerial Services. The order of promotion stipulated-

> "Sarvasri Syed Baji and K.Chakradhara Rao are informed that they are not entitled for fixation of pay under F.R. 22(a) or F.R 22(b) as the scale of pay for the posts of U.D.B.C, Sub-Court and Head Clerk, Sub-Court is identical."

Learned counsel for the petitioner submits that the post of Upper Division Clerk from which the petitioner had been promoted to the post of Head Clerk carried identical pay scale, but the post of Head Clerk had higher responsibilities and as such, he was entitled to certain reliefs under F.R. 22(a) or F.R. 22(b). The petitioner retired from service on 31-01-1999 and for the first time, he made a representation in 2002 to the District Judge, which was rejected. After

13 years of the order of promotion having been passed, the petitioner found that the conditions imposed in his promotion order were illegal. Since it had been made clear in the order of promotion itself that the petitioner would not be entitled for fixing of pay either under F.R. 22(a) or F.R. 22(b), therefore, it is a clear case of acquiescence by the petitioner for 13 years after the order of promotion having been passed and for three years after retirement also, no grievance was ever prejudiced. As such, we do not find any merit in this writ petition, which is accordingly dismissed. No order as to costs.

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(Bilal Nazki,J)

Dated 13th December, 2006

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(Nooty Ramamohana Rao,J)

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